

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEAMSTERS LOCAL 456 PENSION,
HEALTH & WELFARE, ANNUITY,
EDUCATION & TRAINING, INDUSTRY
ADVANCEMENT, and LEGAL SERVICES
FUNDS by Louis A. Picani, Joseph Sansone,
Dominick Cassanelli, Jr., Saul Singer, Ross
Pepe, and Jeffrey Isaacs as Trustees and
fiduciaries of the Funds, and WESTCHESTER
TEAMSTERS LOCAL UNION NO. 456,

Plaintiffs,

-against-

REGIONAL TRUCKING, INC. a/k/a
REGIONAL TRUCKING INC. and AUTUMN
MOSCA, INDIVIDUALLY,

Defendants.

ORDER TO SHOW CAUSE

20-CV-02386 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiffs Teamsters Local 456 Pension, Health & Welfare, Annuity, Education & Training, Industry Advancement, and Legal Services Funds by Louis A. Picani, Joseph Sansone, Dominick Cassanelli, Jr., Saul Singer, Ross Pepe, and Jeffrey Isaacs as Trustees and fiduciaries of the Funds and Westchester Teamsters Local Union No. 456 (collectively “Plaintiffs”) commenced this action on March 18, 2020, pressing violations of the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001 *et seq.* and the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 141 *et seq.* (Doc. 1). Summonses for Defendants Regional Trucking, Inc. a/k/a Regional Trucking Inc. and Autumn Mosca (collectively “Defendants”) were issued the following day. (Docs. 5, 6). On July 14, 2020, Plaintiffs filed Affidavits of Service reflecting service on Defendants. (Docs. 7, 8). Aside from an entry reassigning this matter from Magistrate Judge Smith to Magistrate Judge Krause, there has been no activity on the docket since July 14, 2020.

Under Federal Rule of Civil Procedure 41(b), “a district judge may, *sua sponte*, and without notice to the parties, dismiss a complaint for want of prosecution” *Taub v. Hale*, 355 F.2d 201, 202 (2d Cir. 1966); *West v. City of New York*, 130 F.R.D. 522, 524 (S.D.N.Y. 1990); *Lewis v. Hellerstein*, No. 14-CV-07886, 2015 WL 4620120, at *3-4 (S.D.N.Y. July 29, 2015); *Haynie v. Dep’t of Corr.*, No. 15-CV-4000, 2015 WL 9581783, at *1-2 (S.D.N.Y. Dec. 30, 2015).

Plaintiffs have not filed any documents in over five months and, although the Affidavits of Service indicate that Defendants were required to respond to the Complaint by July 27, 2020, no responses have been filed. Plaintiffs’ failure to prosecute this action has impeded the Court’s efforts to “avoid calendar congestion and ensure an orderly and expeditious disposition of cases.” *Cortez v. Suffolk Cty. Corr. Facility*, No. 15-CV-1957, 2016 WL 6302088, at *2 (E.D.N.Y. Oct. 25, 2016).

Accordingly, it is hereby ORDERED that Plaintiffs show cause in writing on or before January 15, 2021 as to why this action should not be dismissed without prejudice for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). Failure to comply with this Order shall result in dismissal of this case for want of prosecution.

SO ORDERED:

Dated: New York, New York
December 18, 2020



PHILIP M. HALPERN
United States District Judge